

Introduced \_\_\_\_\_  
Public hearing \_\_\_\_\_  
Council action \_\_\_\_\_  
Executive action \_\_\_\_\_  
Effective date \_\_\_\_\_

## County Council of Howard County, Maryland

2004 Legislative Session

Legislative day # 12

### BILL NO. 59 – 2004(ZRA –52)

Introduced by Allan H. Kittleman, Councilman

**AN ACT** amending the Howard County Zoning Regulations to define animal sanctuary ~~to~~ in the definition section of the regulations and add animal sanctuary in the list of ~~Conditional~~ Accessory Uses allowed in the ~~RR and~~ RC zoning districts.

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Introduced and read first time \_\_\_\_\_, 2004. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2004 and concluded on \_\_\_\_\_, 2004.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator to the County Council

This Bill was read the third time \_\_\_\_\_, 2004 and Passed \_\_, Passed with amendments \_\_, Failed \_\_.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2004 at \_\_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator to the County Council

Approved/vetoed by the County Executive on \_\_\_\_\_, 2004.

\_\_\_\_\_  
James N. Robey, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law.  
~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that  
2 Section 103 “Definitions”, Subsection G “Conditional Uses” of Section 104  
3 “RC(Rural Conservation District”, and Subsection G “Conditional Uses” of Section  
4 ~~105 “RR(Rural Residential District” )District”~~ of the Zoning Regulations of Howard County,  
5 ~~and County~~ is hereby amended to read as follows:

6  
7 **Comprehensive Zoning Plan for Howard County**

8 **Section 103: Definitions**

9  
10 **14. ANIMAL SANCTUARY:** A FACILITY THAT PERFORMS AT LEAST ONE  
11 OF THE FOLLOWING FUNCTIONS:

- 12 1. RESCUES, REHABILITATES, AND RELEASES, WHEN POSSIBLE,  
13 NATIVE WILDLIFE; OR  
14 2. PROVIDES PERMANENT HOUSING TO THE FOLLOWING  
15 CATEGORIES OF NON-RELEASABLE ANIMALS, AS DEFINED IN  
16 TITLE 17, SUBTITLE 3 OF THE HOWARD COUNTY CODE:  
17 a. WILD ANIMALS; OR  
18 b. EXOTIC ANIMALS.

19  
20 IF THE FACILITY PROVIDES LIFETIME CARE TO DISPLACED WILD  
21 AND EXOTIC ANIMALS, IT MUST MEET ALL STATE AND FEDERAL  
22 LICENSING AND PERMITTING REQUIREMENTS.  
23  
24

25 **Section 104: RC (Rural Conservation) District**

26 ~~G. — Conditional Uses~~

27  
28 ~~5. — ANIMAL SANCTUARY~~  
29 \_\_\_\_\_  
30

1 **Section 105: RR (Rural Residential) District**

2 **~~G. Conditional Uses~~**

3  
4 **~~4. ANIMAL SANCTUARY~~**

5  
6 **C. Accessory Uses**

7  
8 **16. ANIMAL SANCTUARY, SUBJECT TO THE REQUIREMENTS OF**  
9 **SECTION 128.K**

10  
11 **~~Section 131: Conditional Uses~~**

12 **~~N. Conditional Uses and Permissible Zoning Districts~~**

13  
14 **~~5. ANIMAL SANCTUARY~~**

15  
16 **~~A CONDITIONAL USE MAY BE GRANTED IN THE RC AND RR DISTRICTS~~**  
17 **~~FOR ANIMAL SANCTUARIES, PROVIDED THAT:~~**

18  
19 **~~A. THE FOLLOWING REQUIREMENTS SHALL APPLY:~~**

20  
21 **~~(1) MINIMUM LOT SIZE 3 ACRES~~**

22 **~~(2) MINIMUM SETBACK FOR OUTSIDE PENS AND RUNS~~**  
23 **~~FROM ANY LOT LINE 100 FEET~~**

24 **~~(3) MINIMUM STRUCTURE SETBACK:~~**

25 **~~(A) FROM PUBLIC STREET RIGHT OF WAY 75 FEET~~**

26 **~~(B) FROM ANY OTHER LOT LINE 30 FEET~~**

27 \_\_\_\_\_  
28 **~~(4) THE HEARING AUTHORITY MAY REDUCE THE SETBACK~~**

1 FROM LOT LINES FOR STRUCTURES AND OUTSIDE  
2 PENS OR RUNS IF IT FINDS THAT THE SETBACK  
3 REDUCTION WILL NOT ADVERSELY AFFECT  
4 NEIGHBORING PROPERTIES DUE TO VISUAL IMPACT,  
5 NOISE, DUST, ODORS, PUBLIC SAFETY, OR OTHER  
6 CAUSES. OUTSIDE PENS AND RUNS FOR WHICH THIS  
7 SETBACK REDUCTION IS APPROVED SHALL BE  
8 SCREENED FROM NEIGHBORING PROPERTIES BY SOLID  
9 FENCES OR WALLS OR LANDSCAPE SCREENING.

10 \_\_\_\_\_  
11 ~~B. ALL PARKING AREAS AND OUTSIDE PENS AND RUNS AND, AS~~  
12 ~~APPROPRIATE, ALL BUILDINGS SHALL BE SCREENED BY LANDSCAPING~~  
13 ~~OR OTHER SUITABLE MEANS FROM ADJOINING PROPERTIES AND~~  
14 ~~PUBLIC STREET RIGHTS OF WAYS.~~

15  
16 ~~C. THE SITE MUST BE ACCESSIBLE FROM A MINOR COLLECTOR ROAD OR~~  
17 ~~LARGER.~~

18  
19 ~~D. DISPOSAL OF WASTES MUST BE SUCH THAT ODORS OR OTHER~~  
20 ~~EMISSIONS ARE NOT PERCEPTIBLE AT LOT LINES.~~

21  
22 ~~E. BUILDINGS WHERE ANIMALS ARE KEPT OR TREATED WILL BE~~  
23 ~~LOCATED OR SOUNDPROOFED SO THAT NOISES ARE NOT DETECTIBLE~~  
24 ~~AT THE LOT LINES.~~

25  
26 ~~F. THE FACILITY MUST HAVE 501.C.3 NON PROFIT STATUS AND~~  
27 ~~COMPLY WITH ALL STATE AND FEDERAL LICENSING AND~~  
28 ~~PERMITTING REQUIREMENTS INCLUDING THE FOLLOWING:~~

1                   ~~(1) SANCTUARIES THAT REHABILITATE AND RELEASE~~  
2                   ~~NATIVE WILD ANIMALS SHALL BE OPERATED BY A~~  
3                   ~~PERSON HOLDING A WILDLIFE REHABILITATION LICENSE~~  
4                   ~~FROM THE MARYLAND DEPARTMENT OF NATURAL~~  
5                   ~~RESOURCES; AND~~

6                   ~~(2) THE HEARING AUTHORITY SHALL DETERMINE THE~~  
7                   ~~NUMBER OF TIMES PER YEAR THAT SANCTUARIES~~  
8                   ~~WHICH EXHIBIT FOR EDUCATIONAL PURPOSES MAY~~  
9                   ~~EXHIBIT. EXHIBITS SHALL BE LIMITED TO NO MORE~~  
10                  ~~THAN TEN TIMES PER CALENDAR YEAR.~~

11                  ~~G. ALL APPROPRIATE AND NECESSARY PERMITS AND LICENSES SHALL~~  
12                  ~~BE DISPLAYED AT ALL TIMES.~~

13  
14       ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that***  
15       ***a new Subsection K “Animal Sanctuary”, of Section 128 “Supplementary Regulations” of the***  
16       ***Zoning Regulations of Howard County, is hereby amended to read as follows:***

17  
18       **K. ANIMAL SANCTUARY**

19  
20               **ANIMAL SANCTUARIES ARE PERMITTED AS AN ACCESSORY USE IN**  
21               **THE RC ZONING DISTRICT, PROVIDED THAT:**

22  
23               **1. THE LOT SIZE IS GREATER THAN 3 ACRES.**

24  
25               **2. MINIMUM SETBACK FOR OUTSIDE PENS AND RUNS FROM ANY LOT**  
26               **LINE 100 FEET**

27  
28               **3. MINIMUM STRUCTURE SETBACK:**

29               **(A) FROM PUBLIC STREET RIGHT-OF-WAY 75 FEET**

1                    (B) FROM ANY OTHER LOT LINE 30 FEET

2

3            4. THE DEPARTMENT OF PLANNING AND ZONING MAY REDUCE THE

4            SETBACK FROM LOT LINES FOR STRUCTURES AND OUTSIDE PENS

5            OR RUNS AS AN ADMINISTRATIVE ADJUSTMENT IF IT FINDS THAT

6            THE SETBACK REDUCTION WILL NOT ADVERSELY AFFECT

7            NEIGHBORING PROPERTIES DUE TO VISUAL IMPACT, NOISE, DUST,

8            ODORS, PUBLIC SAFETY, OR OTHER CAUSES. OUTSIDE PENS AND

9            RUNS FOR WHICH THIS SETBACK REDUCTION IS APPROVED SHALL

10           BE SCREENED FROM NEIGHBORING PROPERTIES BY SOLID FENCES

11           OR WALLS OR LANDSCAPE SCREENING.

12

13           5. ALL PARKING AREAS, OUTSIDE PENS AND RUNS AND OTHER AREAS

14           WHERE ANIMALS ARE KEPT SHALL BE SCREENED BY A SIX FOOT

15           PRIVACY FENCE AND BY LANDSCAPING OR OTHER SUITABLE MEANS

16           FROM ADJOINING PROPERTIES. IN ADDITION, THESE AREAS SHALL BE

17           SCREENED BY LANDSCAPING OR OTHER SUITABLE MEANS FROM

18           PUBLIC STREET RIGHTS OF WAYS. THE DEPARTMENT OF PLANNING

19           AND ZONING SHALL APPROVE THE ADEQUACY OF ALL FENCING AND

20           SCREENING REQUIRED IN THIS SUBSECTION.

21

22           6. THE SITE MUST BE ACCESSIBLE FROM A MINOR COLLECTOR ROAD

23           OR LARGER.

24

25           7. DISPOSAL OF WASTES MUST BE SUCH THAT ODORS OR OTHER

26           EMISSIONS ARE NOT PERCEPTIBLE AT LOT LINES.

27

28           8. BUILDINGS WHERE ANIMALS ARE KEPT OR TREATED WILL BE

1           LOCATED OR SOUNDPROOFED SO THAT NOISES ARE NOT  
2           DETECTIBLE AT THE LOT LINES.

3  
4           9. THE FACILITY MUST HAVE 501.C.3 NON-PROFIT STATUS AND COMPLY  
5           WITH ALL STATE AND FEDERAL LICENSING AND PERMITTING  
6           REQUIREMENTS INCLUDING, BUT NOT LIMITED TO THE  
7           FOLLOWING:

8  
9           (1) SANCTUARIES THAT REHABILITATE AND RELEASE NATIVE  
10           WILD ANIMALS SHALL BE OPERATED BY A PERSON  
11           HOLDING A WILDLIFE REHABILITATION LICENSE FROM THE  
12           MARYLAND DEPARTMENT OF NATURAL RESOURCES; AND  
13           (2) SANCTUARIES WHICH EXHIBIT FOR EDUCATIONAL  
14           PURPOSES SHALL BE LIMITED TO NO MORE THAN TEN  
15           EXHIBITS PER CALENDAR YEAR.

16  
17           10. ALL APPROPRIATE AND NECESSARY PERMITS AND LICENSES BE  
18           DISPLAYED AT ALL TIMES.

19  
20           11. THE FACILITY BE INSPECTED AT LEAST SEMI-ANNUALLY BY  
21           THE HOWARD COUNTY DIVISION OF ANIMAL CONTROL AND  
22           COMPLY WITH ANY WRITTEN RECOMMENDATIONS THAT ARE  
23           FORWARDED BY ANIMAL CONTROL.

24  
25           12. EXCEPT AS PROVIDED IN THIS SUBSECTION, THERE SHALL BE  
26           NO MORE THAN 5 EXOTIC ANIMALS KEPT AT THE FACILITY. IF  
27           IT HAS BEEN ESTABLISHED BY THE DIVISION OF ANIMAL  
28           CONTROL THAT THERE WERE MORE THAN 25 EXOTIC ANIMALS  
29           KEPT AT A SANCTUARY BEFORE NOVEMBER 1, 2004, THEN THE

1 NUMBER OF EXOTIC ANIMALS THAT MAY BE KEPT AT THE  
2 FACILITY SHALL BE ACCORDING TO THE FOLLOWING  
3 SCHEDULE:

<u>TIME FRAME</u>	<u>NUMBER OF EXOTICS</u>
<u>1 YEAR AFTER THE EFFECTIVE DATE</u>	<u>25</u>
<u>OF THIS SUBSECTION</u>	
<u>5 YEARS AFTER THE EFFECTIVE DATE</u>	<u>15</u>
<u>OF THIS SUBSECTION</u>	
<u>10 YEARS AFTER THE EFFECTIVE DATE</u>	<u>5</u>
<u>OF THIS SUBSECTION</u>	

12  
13 13 ALL EXOTIC ANIMALS SHALL REMAIN SECURELY CONFINED IN A  
14 CAGE, PEN, OR OTHER ENCLOSURE AT ALL TIMES. EXOTIC  
15 ANIMALS SHALL NOT BE PERMITTED TO ROAM FREELY ON  
16 SANCTUARY GROUNDS AT ANY TIME.

17  
18 *Section 2 3. Be it further enacted by the County Council of Howard County, Maryland, that*  
19 *this Act shall become effective 61 days after its enactment.*  
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23  
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